



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

LM61/0524

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| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|-------------|--------------|-----------------------------|---------------|
| 09/032,659 | 02/27/98 | 015 | ROSSI, J | 2779 05/24/00 |
| First Named Applicant | ANDERSON, | | 35 USC 154(b) term ext. = | 0 Days |

TITLE OF INVENTION DIRECTING IMAGE CAPTURE SEQUENCES IN A DIGITAL IMAGING DEVICE USING SCRIPTS

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEES DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 2 P165 | 345-336.000 | N02 | UTILITY | NO | \$1216.00 | 05/24/00 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of AllowabilityApplication No.
09/032,659

Applicant(s)

Anderson

Examiner

Jeffrey Allen ROSSI

Group Art Unit

2779

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to 2000-05-18

The allowed claim(s) is/are 1-15

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 2.

including changes required by the proposed drawing correction filed on 01/2000, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 1,2

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413 Paper #11

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

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REASONS FOR ALLOWANCE

1. This statement of reasons for allowance is an attachment to paper #13, the notice of allowance, which is responsive to all of papers number 1-12, particularly the preliminary amendment "c", of 2000-05-18.
2. Claims 1-15 as now presented are allowable over the prior art of record.
3. The combination of scripts which guide a user through a series of related image captures in a hand-held device (independent claims 1, 7, 11, and 14) was not uncovered in the prior art of record. Much of the prior art related to post-processing photos on a personal computer, or physically connected an image capture device to a personal computer. Parluski (European Published Application for Patent 661,658) is deemed to lack the level of sophistication for performing the claim steps as now recited. The technical obstacles involved in providing the level of computing sophistication of the present device are recognized, as well as the departure from the "simplicity" and "bare bones" operating systems of the prior art devices. Furthermore, the Digitella ScriptGenerator™ teaching ("Digitella Technology Solutions Announces ScriptGenerator 1.0, Enabling Users to Easily develop Software Scripts the Run on Digital Cameras", *PR Newswire*, 10/1998), would have de facto suggested increasing functionality in digital cameras via software *scripts*. However, the reference suggests that knowledge was not available to the public until well after applicant's invention. Ellson et al. (European Published

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Application for Patents 664,527 and 664,528), demonstrate taking pictures in a predetermined manner for inclusion into a video game. However, they lack motivation for downloading instructions for taking such pictures into a camera. Sarbadhikari (US 5,477,264 A) demonstrates “software enhanced files” which can be tailored for specific applications, e.g., “action photography, portraiture, or infant photography” (col. 8, ln. 60). “A given storage device might be labeled as a Christmas album, for example, and the camera would insert the user captured images into the seasonal templates without input from the user. The camera may prompt the user to frame the image appropriately with cues in the electronic viewfinder...” (col. 10, lns. 35-41). Although a user of Sarbadhikari et al. would have invariably taken multiple pictures, and those pictures may have been conceptually “related”, Sarbadhikari et al. lacks an explicit recitation or motivation to “thereby guiding the user through a series of related image captures” as recited in all independent claims.

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Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to

(703)-308-9051 (formal communications intended for entry)

Or:

(703)-305-9724 (informal communications labeled **PROPOSED** or **DRAFT**)

Hand-delivered responses should be brought to:

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey ROSSI whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday - Friday from 0830 to 1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark POWELL, can be reached on (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JR

2000-05-22

Mark R. Powell
MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700